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CITY AND COUNTY OF SAN FRANCISCO,

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DENNIS ROZADILLA,

Plaintiff,

vs.

SHERIFF MICHAEL HENNESSEY, et
al.,

Defendants.

Case No. c04-0909 MEJ

**STIPULATION AND ~~PROPOSED~~
ORDER TO CHANGE TIME FOR
DISCOVERY AND DISPOSITIVE
MOTIONS**

U.S.D.C. Northern District
L.R. 6-2

Date Action Filed: July 9, 2004
Trial Date: July 17, 2007

On September 20, 2006 the Court issued an order vacating the case management hearing and setting deadlines for discovery, dispositive motions and the exchange and filing of trial papers. Pursuant to the Court's order, the deadlines for expert disclosures is December 18, 2006, rebuttal expert disclosures is December 28, 2006 and the close of all discovery is January 12, 2006. The deadline for dispositive motions is February 8, 2007 and the hearing on dispositive motions is scheduled for March 15, 2007.

To date, not all individually named defendants have been served. Plaintiff's counsel has discovered that he had the incorrect names and spellings for at least two individually named

defendants. Those defendants have not yet been served. Plaintiff intends to file a corrected amended complaint with the correct names and spellings of those defendants, and will serve them promptly afterward. In addition, six of the newly named individual defendants are not employed by defendant City and County of San Francisco ("City"). These defendants are represented by counsel who was not involved in the case at the time that the parties filed there joint case management conference statement on September 14, 2007 and who has not yet filed an appearance in the case. Consequently, their counsel was not consulted about the proposed July, 2007 trial date suggested by the parties at that time or the corresponding deadlines.

Since the joint case management conference, the City has served plaintiff with written discovery, Plaintiff has taken three fact depositions and the parties have exchanged documents. The parties anticipate conducting additional depositions. The City has discovered that there are several additional medical providers for Plaintiff whose records have not been produced. Plaintiff does not have those records, so the City has issued third party subpoenas to obtain them. The City has not yet received those records, and does not anticipate receiving them until the third week in January at the earliest. The parties anticipates that their experts may rely on these additional medical records. The parties, thus, believe that they need additional time to complete discovery and obtain records. Based on this need and the fact that several defendants in this case have not yet been served, the parties by and through their undersigned counsel, hereby stipulate to the below changes to the discovery and briefing schedule so that they may complete necessary discovery before disclosing experts and in sufficient time to file dispositive motions.

- Change expert disclosure deadline from December 18, 2006 to January 31, 2007
- Change rebuttal expert disclosures from December 28, 2006 to February 15, 2007
- Change fact and expert discovery cutoff from January 12, 2006 to March 9, 2007
- Change deadline for dispositive motions from February 8, 2006 to March 21, 2007
- Change hearing date for dispositive motions from March 15, 2007 to April 26, 2007

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1 The parties respectfully request that they Court change the current scheduling order to reflect
2 these changes. The parties have not previously sought to change any of the deadlines set in the
3 Court's September 20, 2006 scheduling order. These changes should not affect the trial date.

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5 Dated: December 13, 2006

6 DENNIS J. HERRERA
7 City Attorney
8 JOANNE HOEPER
9 Chief Trial Deputy
10 ELIZABETH L. DEELEY
11 Deputy City Attorney

12 By: /s/
13 ELIZABETH L. DEELEY

14 Attorneys for Defendant
15 CITY & COUNTY OF SAN FRANCISCO

16 Dated: December 13, 2006

17 THE LAW OFFICE OF DENNIS CUNNINGHAM

18 By: /s/
19 DENNIS CUNNINGHAM

20 Attorney for Plaintiff
21 DENNIS ROZADILLA

22 PURSUANT TO STIPULATION, IT IS SO ORDERED

23 Dated: December 18, 2006

